

Appl. No. 10/025,668
Amdt. dated October 25, 2005
Reply to Final Office Action of May 20, 2005

REMARKS

Applicants have carefully reviewed the Examiner's remarks presented in the Advisory Action dated August 25, 2005 prior to preparing this response. In response to the Final Office Action mailed May 20, 2005, a priority response was submitted on July 20, 2005, after which the Advisory Action was mailed. A petition for a one-month extension of time under 37 CFR §1.136(a) and the appropriate fee under 37 CFR §1.17(a) are concurrently submitted herewith, thus extending the period of time for response to September 25, 2005.

Currently claims 1-35 are pending in the application, wherein claims 1-35 have been rejected by the Examiner. Claims 17-19 have been cancelled, and claims 36-38 have been added with this paper. Favorable consideration of the above amendments and following remarks is respectfully requested.

Claims 1-4 and 20-23 stand rejected under 35 U.S.C. §102(b) as being anticipated by Dubrul (U.S. Patent No. 5,944,701). Applicants respectfully traverse this rejection. Applicants maintain that Dubrul fails to teach a polymer jacket comprising a shape memory polymer as that term is defined in the current application and recited in the claims. The Examiner erroneously maintains an unreasonable interpretation of a shape memory polymer as describing any "polymer that is capable of returning to its original shape or conforms to a second configuration." This interpretation indeed is contrary to the definition attributed to the term in the current application, as well as the ordinary and customary meaning of the term accepted by those of ordinary skill in the art.

Applicants maintain that a shape memory polymer, as used in the current application, is a distinct subset of polymers having unique thermo-mechanical properties not found in other polymers. These unique properties provide shaping and/or forming capabilities through selective

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heating and cooling of the shape memory polymer not offered by other polymers. See Specification, page 4, line 17 through page 6, line 10. This interpretation of a shape memory polymer is not only that intended in the current application, but also is the accepted meaning attributed to this distinct subset of polymers by those of ordinary skill in the art.

Nevertheless, claims 1 and 20 have been amended to further describe characteristics attributed to a shape memory polymer as described in the application and recited in the claims in order to further distinguish the shape memory polymer jacket as currently claimed from the teachings of Dubrul. Applicants assert that the attributes of a shape memory polymer recited in claims 1 and 20 are not present in the polymeric coating taught in Dubrul. For at least this reason, Applicants assert Dubrul fails to teach the present invention and withdrawal of the rejection is respectfully requested.

New claim 36 also includes a recitation of characteristics of a shape memory polymer as described in the application and currently claimed in claim 36, in order to further distinguish the shape memory polymer jacket as currently claimed from the teachings of Dubrul. Applicants assert claim 36 is currently patentable over the prior art of record.

Claims 5-16 and 24-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dubrul (U.S. Patent No. 5,944,701) in view of Takahashi (U.S. Patent No. 6,485,458). Claims 5-16 depend from claim 1 and claims 24-35 depend from claim 20. Therefore, for the reasons stated above concerning the allowability of claims 1 and 20, Applicants respectfully assert this rejection is moot.

Claims 37 and 38 depend from claims 1 and 20, respectively, and include significant additional limitations. For at least the reasons stated above regarding the patentability of claims 1 and 20, Applicants assert these claims are also in condition for allowance.

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Claims 17-19 have been cancelled from the application, thus rendering rejections to these claims moot. In canceling claims 17-19, Applicants do not concede the appropriateness of the rejections and reserve the ability to reinstate these claims in this application or in a related application.

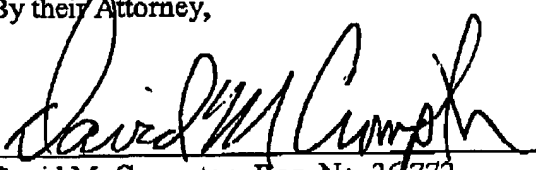
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Stephen Griffin et al.

By their Attorney,

Date: 10/25/05



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